

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Andre Garrett v Wayne County**
Docket No. **279078**
L.C. No. **05-533143-NI**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike appellant's brief and motion for leave to reply to the answer to the motion to strike are GRANTED and appellant's brief on appeal is STRICKEN. The brief is stricken because the exhibits, which were not filed with the trial court clerk, are an impermissible expansion of the record on appeal. Exhibits that were not filed in the trial court and available to the trial court for its decision are not part of the record and cannot be considered on appeal. See MCR 7.210(A)(1) and *Coburn v Coburn*, 230 Mich App 118, 122-123; 583 NW2d 490 (1998), rev'd on other grounds, 459 Mich 874, 875 (1998). Appellant's brief shall be considered timely if a replacement brief is filed within 21 days after the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 16 2008

Date

Sandra Schultz Mengel
Chief Clerk